



# PISANCHYN LAW FIRM

## ATTORNEYS AND COUNSELORS AT LAW



524 Spruce Street, Scranton, PA 18503

Office: (570) 344-1234 • Fax: (570) 346-9455

*Michael J. Pisanchyn Jr., Esquire*

*Douglas A. Yazinski, Esquire*

*M. Lee Albright, Esquire*

*Daniel D'Antonio, Esquire*

*Anne L. Kulesa, Esquire*

*Bradley D. Moyer, Esquire*

*Andrew T. Flenner, Esquire*

*Steven M. Serra, Esquire*

Toll Free: (800) 444-5309

Philadelphia: (215) 784-1212

Wilkes Barre: (570) 824-2300

Harrisburg: (717) 238-3333

Pottsville: (570) 622-3200

Stroudsburg: (570) 424-6000

Williamsport: (570) 327-9999

Reading: (610) 374-1234

Altoona: (814) 944-4444

Mercer: (724) 662-2626

Pittsburgh: (412) 261-1212

December 8, 2015

The United States District Court for the Middle District of PA  
The Honorable Malachy E. Mannion  
235 North Washington Avenue  
Scranton, PA 18503

**Re: *Clemens v. New York Central Mutual Insurance, et al.***  
**Docket #: 3: 13-CV-02447**

Dear Judge Mannion:

First, I hope all is well. Next, at this Honorable Court is aware, on November 6, 2015, a jury verdict was entered in favor of Plaintiffs and entered upon the docket of the matter. (Document 202 and Document 203). In light of the same, and pursuant to the Federal Rules of Civil Procedure, but not limited to Rule 54, Plaintiffs timely filed their Bill of Costs on November 20, 2015 (Document 214) as well as Plaintiffs' Petition for Attorneys Fees, Interest and Costs (Document 215) seeking remittance of payment for costs that were necessarily incurred in this action and the fees for services that were actually and necessarily performed in the representation of the matter.

In response, Defendant, NYCM has filed Objections to Plaintiffs' Bill of Costs (Document 218), a Brief in Opposition to Plaintiffs' Petition for Attorneys' Fees, Interests and Costs (Document 222), as well as their Renewed Motion for Judgment as a Matter of Law Pursuant to Fed. R.C.P. 50 (Document 223). It is respectfully submitted that within Defendant's filings averments were made that in order for Plaintiffs to fully respond to the same, would require Plaintiffs to incur yet additional large costs to obtain the materials, but not limited to the transcripts of the trial proceedings. This raises a serious concerns for Plaintiffs in that Plaintiffs in preparation of their Bill of Costs and Petition for Attorneys' Fees, Interests and Costs, relied upon an itemized, accurate and complete listing of the costs and fees for services that were actually and necessary in Plaintiffs' Counsel's representation in the matter. Should Plaintiffs be required to obtain the additional materials, this amount will no longer be accurate in that it is

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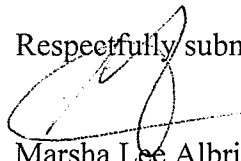
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In light of the same, and in an attempt to mitigate additional expenditures, as Plaintiffs have always done, Plaintiffs are inquiring as to whether a conference would be beneficial to the parties in seeking an amicable resolution to the matter. Should this not be the case, Plaintiffs will have no other option but to spend the additional money, thereby substantially increasing their previously stated costs and attorneys fees. Should this be the case, Plaintiffs' additionally respectfully request an extension of time to respond to Defendants' Brief in Opposition to Plaintiffs' Attorneys Fees, Interests and Costs as well as Defendants' Objections to Plaintiffs' Bill of Costs.

By copy of this correspondence, filed by the electronic case filing system, I am making Defense Counsel aware of the content of this communication.

Should the Honorable Court have questions and/or concerns, or require additional materials, please do not hesitate to contact our office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marsha Lee Albright', written over a horizontal line.

Marsha Lee Albright, Esquire

cc: Bryon R. Kaster, Esquire via EFILE  
Charles Haddick, Esquire via EFILE